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Date of Deposit: March 7, 2008

USSN: 09/729,491
Attorney Docket: SST-1035



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Inventor: William F. Leek
Assignee: Simpson Strong-Tie Company, Inc.
Title: Automatic Take-up Device with Internal Spring
Serial No.: 09/729,491
Filed: December 3, 2000
Group Art: 3637 Confirmation No.: 5971
Examiner: A, Phi Dieu Tran
Docket No.: SST-1035

**PETITION TO ACCORD FILING DATE FOR EFS TRANSMITTAL
CORRESPONDENCE RECEIVED BY P.T.O. (UNDER 37 C.F.R. § 1.8(b))**

**CONDITIONAL
PETITION TO WITHDRAW HOLDING OF ABANDONMENT
(UNDER 37 C.F.R. § 1.181)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions to withdraw the holding of abandonment that has been imposed in this case. The commissioner is authorized to withdraw the fee for the petition under 37 CFR 1.181, as stated in 37 CFR 1.17(f), from the deposit account of Applicant's attorney – Law Offices of James R. Cypher - 03-4075. Applicant hereby also petitions to have the Patent Office accord the filing date for Applicant's correspondence filed on January 7, 2008 by EFS transmittal. Applicant believes that no fee for the petition under 37 CFR 1.8(b) is required. If this belief is in error, or the fees have been amended without Applicant's knowledge, Applicant authorizes the Commissioner to pay any underpayment of fees or pay any additional fees that may be required by this paper by withdrawing them from Deposit Account No. 03-4075.

PETITION TO REMOVE HOLDING OF ABANDONMENT

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UNDER 37 C.F.R. §§ 1.181

A Notice of Abandonment for this case was mailed January 9, 2008. This paper with these petitions is being filed within two months of receipt of the Notice.

Applicant's last communication to the Patent Office in this file was sent January 7, 2008. Applicant's communication on January 7, 2008 was a Request for Continued Examination, including a the necessary fee, a submission under 37 CFR 1.114, including a petition for an extension of time of three months and the necessary fee, which was filed in response to the Final Action, mailed July 5, 2008. January 5, 2008, was a Saturday, so a response filed on Monday the 7th, the next business day was timely filed.

The Notice of Abandonment states that the application has been abandoned because of "Applicant's failure to timely file a proper reply to the Office letter mailed on 05 July 2007."

Applicant believes that it is improper to issue a Notice of Abandonment on this basis, as Applicant's Request for Continued Examination was actually timely transmitted and received by the Office on January 7, 2008.

Applicant respectfully requests that the Patent Office, on the basis of this petition, withdraw its holding of abandonment and accept and process the Request for Continued Examination that was timely filed on January 7, 2008.

PETITION TO ACCORD FILING DATE FOR AN EFS SUBMISSION
RECEIVED BY P.T.O. (UNDER 37 C.F.R. § 1.8(b))

This application should still be pending as a Request for Continued Examination was timely filed on January 7, 2008. The Request for Continued Examination and its submission was transmitted by myself via the EFS system on January 7, 2008. Applicant respectfully requests that the Patent Office acknowledge that these documents were received on January 7, 2008.

Applicant believes that the Office is treating the papers submitted on January 7, 2008, as having not been received because Applicant has received a Notice of Abandonment in this case. The Notice of Abandonment was mailed on January 9, 2008. This petition is being filed promptly thereafter. 37 C.F.R. § 1.8(b)(1).

The following attached papers are those required by 37 C.F.R. § 1.8(b):

1. A true copy of the originally-deposited papers and fees: the Request for Continued Examination and the submission and the Electronic Application Fee Transmittal.

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2. A statement by Charles R. Cypher on the basis of personal knowledge that the correspondence was originally transmitted on January 7, 2008.
3. The Office's Acknowledgment Receipt.
4. A printout from Private PAIR showing the documents in the Office's Database as of 20:11, January 7, 2008.

In consideration of these submissions and explanations, it is respectfully requested that the holding of abandonment be withdrawn, and that the application proceed to examination on the basis of the Request for Continued Examination filed on January 7, 2008.

I, Charles R. Cypher, having been duly warned that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this document or the instant application, I hereby declare that I am authorized to execute this document; that the facts set forth herein are true; that all statements made of my own knowledge are true; and that all statements made on information and belief are believed to be true.

Date: January 7, 2008

Signature: _____



Charles R. Cypher, Reg. No. 41,694
Law Offices of James R. Cypher
405 -14th St., Suite 1607
Oakland, CA 94612-2747
Tel: (510) 832-4111
Fax: (510) 832-4115
Customer no. 0498

Enclosures:

Petition (3 pgs); Statement by Charles R. Cypher (1 pg); RRPC;

Copies the following documents dated and filed with the USPTO on January 7, 2008:

Electronic Acknowledgment Receipt (2 pgs)
Request for Continued Examination (RCE) Transmittal (3 pg);
Electronic Fee Transmittal (2 pg);
Submission and Petition (11 pgs);
PAIR printout (1 pg)

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Statement by Charles R. Cypher
in Support of Petition Under 37 CFR §1.8(b)

I, Charles R. Cypher, personally transmitted the Request for Continued Examination and the Submission under 37 CFR §1.114 on January 7, 2008. A copy of the acknowledgment receipt generated by the Office electronic filing system confirming the submission is submitted herewith, as is a status printout of the Office's electronic database on January 7, 2008 at 20:11 EST, showing receipt in the Office.

I, Charles R. Cypher, having been duly warned that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this document or the instant application, I hereby declare that the facts set forth herein are true; that all statements made of my own knowledge are true; and that all statements made on information and belief are believed to be true.

Date: March 7, 2008

Signature:

Charles R. Cypher, Reg. No. 41,694